

# State of South Dakota

## SEVENTY-THIRD SESSION LEGISLATIVE ASSEMBLY, 1998

292B0384

### SENATE BILL NO. 167

Introduced by: Senators Hunhoff, Albers, Everist, Lawler, and Munson (David) and  
Representatives Jorgensen, Crisp, Cutler, Duniphan, Fischer-Clemens, and  
Moore

1 FOR AN ACT ENTITLED, An Act to define child abuse and provide a penalty therefor.

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

3 Section 1. No person may cause or permit a minor to be:

4 (1) Placed in a situation that endangers the minor's life or physical or mental health;

5 (2) Cruelly confined or cruelly punished;

6 (3) Deprived of necessary food, clothing, shelter, or care;

7 (4) Placed in a situation to be sexually exploited by allowing, encouraging, or forcing the  
8 minor to solicit for or engage in prostitution, debauchery, public indecency, or  
9 obscene or pornographic photography, films, or depictions; or

10 (5) Placed in a situation to be sexually abused.

11 A violation of this section committed negligently is a Class 1 misdemeanor. A violation of  
12 this section committed knowingly and intentionally which does not result in serious bodily injury  
13 is a Class 4 felony. A violation of this section committed knowingly and intentionally which  
14 results in serious bodily injury is a Class 3 felony. A violation of this section committed  
15 knowingly and intentionally which results in the death of a minor is a Class 1 felony.

1       Section 2. The statutory privilege between patient and physician, between client and  
2       professional counselor, and between husband and wife is not available for excluding or refusing  
3       testimony in any prosecution for a violation of section 1 of this Act.

4       Section 3. That § 26-10-1 be repealed.

5       ~~— 26-10-1. Any person who abuses, exposes, tortures, torments or cruelly punishes a minor in~~  
6       ~~a manner which does not constitute aggravated assault, is guilty of a Class 4 felony.~~